

ISSUE DATE: June 16, 1998

DOCKET NO. P-421/CP-92-268

ORDER CERTIFYING POLLING RESULTS AND DENYING PETITION FOR REMOVAL

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Edward A. Garvey  
Joel Jacobs  
Marshall Johnson  
LeRoy Koppendrayer  
Gregory Scott

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of Discontinuance of Extended  
Area Service Between St. Vincent, Minnesota  
and Drayton and Cavalier, North Dakota

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**PROCEDURAL HISTORY**

On April 1, 1992, the Commission received a petition from telephone customers in the St. Vincent exchange requesting removal of the EAS route between their community and the communities of Drayton and Cavalier, North Dakota. U S WEST Communications, Inc. (USWC) serves St. Vincent. Polar Communications Mutual Aid Corporation (Polar) serves Drayton and Cavalier.

On February 11, 1993, the Minnesota Department of Public Service (the Department) requested traffic studies from USWC.

On March 29, 1993, USWC filed a response to the Department's request. USWC stated that since St. Vincent to Drayton and Cavalier are local calling routes, the usual toll traffic studies were not available. USWC said that special trunks would be required to measure the traffic between the three exchanges. USWC suggested that St. Vincent customers be balloted to determine if a majority of customers would prefer to continue to pay the EAS rate additive (\$2.07 for residential customers and \$5.01 for business customers) or to pay toll charges. USWC stated that if customers voted in favor of dropping the routes it would make the necessary system changes without charge to its customers since conversion costs would be minimal.

On September 10, 1996, Commission Staff requested information from Polar concerning the effect on Polar customers if the St. Vincent exchange were removed from the local calling area that currently consists of Cavalier, Drayton, Pembina and St. Vincent.

On September 17, 1996, Polar responded that it would continue to allow local calling to St. Vincent for its Cavalier and Drayton customers if St. Vincent voted in favor of removal of the routes to Cavalier and Drayton.

On October 31, 1996, Commission Staff solicited comments from interested parties regarding the following concerns:

1. an appropriate procedure to use in examining the request for removal of an EAS route;

2. the appropriate costs to examine, if any;
3. the manner in which new rates should be determined, if necessary;
4. USWC's proposal to remove the route if St. Vincent customers voted in favor of eliminating local calling to Cavalier and Drayton, North Dakota;
5. Polar's proposal to leave its customers' local calling area intact, whatever the voting results were in St. Vincent; and
6. any other relevant concerns.

On November 18, 1996, the Office of the Attorney General Residential and Small Business Utilities Division (RUD-OAG) submitted Comments.

On November 19, 1996, the Department submitted its comments.

Between March 5 and April 20, 1998, polling of telephone subscribers in the St. Vincent exchange was conducted.

The Commission met on May 5, 1998 to consider this matter.

### **FINDINGS AND CONCLUSIONS**

There is no statutorily prescribed method for the removal of an EAS route. In its February 26, 1996 ORDER AFTER RECONSIDERATION in Docket No. P-999/CI-94-296, however, the Commission provided for Commission consideration of requests of this nature. In general, the same requirements applicable to a petition requesting establishment of an EAS route also apply to petitions to remove an established route.<sup>1</sup>

The Commission finds that the requirements leading to a polling of subscribers in the exchange in question have been met. All parties agreed that the costs in this instance were minimal and therefore would not be passed on to the St. Vincent subscribers. The parties agreed that St. Vincent subscribers would simply see a reduction in their local rates in the amount associated with the EAS route if the route were removed.

The Commission directed its staff and U S WEST Communications, Inc. (USWC), the local telephone company serving the St. Vincent exchange, to poll the St. Vincent subscribers as to their wishes regarding the St. Vincent to Drayton and Cavalier, North Dakota EAS route.

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<sup>1</sup> See In the Matter of an Investigation into the Appropriate Local Calling Scope, in Accordance with Minn. Stat. 237.161 (1994), Docket No. P-999/CI-94-296, ORDER AFTER RECONSIDERATION (February 23, 1996), Attachment A.

The polling results were as follows:

Thirty-five percent of the ballots mailed to subscribers were returned to the Commission. Ten subscribers voted in favor of removal, 18 subscribers voted against removal.

Since less than a majority of the St. Vincent customers responding to the poll voted to remove the challenged EAS route, the Commission will deny this petition and direct USWC to notify its customers, as set forth in more detail in the Ordering Paragraphs.

### **ORDER**

1. The polling results for the St. Vincent exchange in this matter are hereby certified as set forth above.
2. In accord with the results of that polling, the Commission hereby denies the petition to remove EAS between the St. Vincent exchange and the Drayton and Cavalier, North Dakota exchanges.
3. Within 10 days of this Order, U S WEST Communications, Inc. (USWC or the Company) shall file proposed customer notices for approval by Commission Staff. The notices should list the results of the polling. After approval, the Company shall serve notices in the first possible billing cycle in their respective exchanges.
4. At the time the notices referred to in Ordering Paragraph 3 have been served, USWC shall file copies of the final notices with the Minnesota Department of Public Service and the Commission. Thereupon, the St. Vincent docket (P- 421/CP-92-268) will be closed.
5. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar  
Executive Secretary

(S E A L)

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